

Congress of the United States

Washington, DC 20510

December 18, 2023

The Honorable Lloyd J. Austin III
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301-1000

Dear Secretary Austin:

We write to request information on the implementation of Section 1110 of the National Defense Authorization Act (NDAA) for Fiscal Year 2022, which allows federal firefighters to trade time. Federal firefighters put their lives on the line for our nation every day. It is critical we live up to the commitments we have made to these brave first responders and promote healthy, sustainable work environments for them by ensuring full implementation of this law.

As you know, the Fiscal Year 2022 NDAA, enacted on December 27, 2021, provided federal firefighters the ability to trade shifts across pay periods – a practice known as trading time – without affecting their pay or annual leave, and in so doing, remedied a longstanding disparity between federal firefighters and their state, local and municipal counterparts. On December 14, 2022, the Office of Personnel Management (OPM) issued a memorandum, titled "Firefighter Trading Time Policy," providing general guidance to federal agencies on how to implement the trade time policy for federal firefighters.¹ The Defense Civilian Personnel Advisory Service then issued a memo on May 10, 2023, acknowledging OPM's guidance and their intent to distribute it to Department of Defense human resources practitioners and hiring managers, as well as update DoD Instruction (DoDI) "DoD Civilian Personnel Management System: Hours of Duty" to reflect these changes.²

We write today, however, because of concerns that implementation has been delayed at the Department, leaving federal firefighters in various components without the opportunity to utilize trade time policies as the law provides.

For example, as of October 26, 2023, the Defense Civilian Personnel Civilian Personnel Advisory Service informed the American Federation of Government Employees (AFGE)'s Firefighter Steering Committee that the Department was still working to "incorporate the OPM guidance and related DoD policy into the DoD issuance."³ Unfortunately, while awaiting this

¹ Office of Personnel Management, "Memorandum for Heads of Executive Departments and Agencies: Firefighter Trade Time Policy," December 14, 2022, https://chcoc.gov/sites/default/files/OPM-Policy-on-Firefighter-Trading-Time-and-Memo_508.pdf.

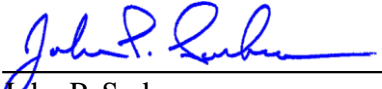
² Department of Defense, Defense Civilian Personnel Advisory Service, "Firefighter Trade Time Policy," DCPAS Message 2023049, May 5, 2023.

³ Department of Defense, Office of the Assistant Secretary of Defense, Letter to AFGE Firefighter Steering Committee Vice Chair John Anderson, October 26, 2023.

issuance, federal firefighters at Department of Defense report that they have been unable to trade time. The inability to access this timekeeping flexibility has had a negative impact on the morale and welfare of many dedicated civilian first responders and firefighters who play a vital role in keeping our military installations safe.

With the shared goal of ensuring proper access to workplace policies authorized in law and promoting sustainable working conditions for our federal firefighters, we request an update on the status and expected timeline for the implementation of the federal firefighter trading time policy at DoD. We look forward to a response on the Department's implementation of trade time policies and to working to promote strong workforce policies that build on this policy's success and help us recruit and retain a strong federal firefighting force.

Sincerely,



John P. Sarbanes
Member of Congress



André Carson
Member of Congress



Betty McCollum
Member of Congress



Ann McLane Kuster
Member of Congress



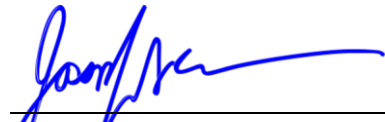
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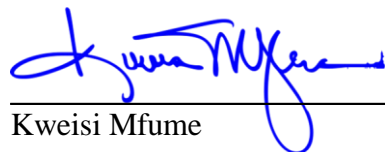
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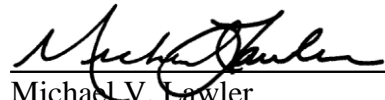
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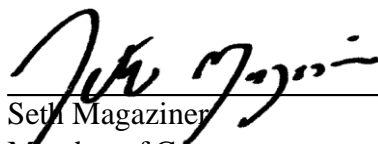
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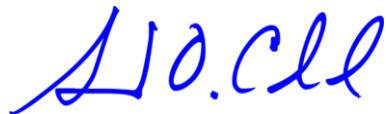
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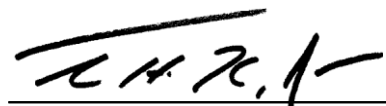
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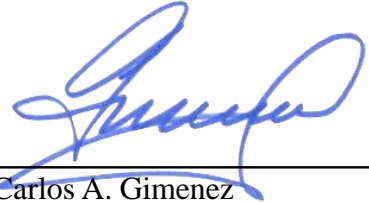
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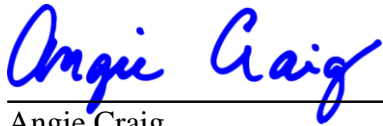
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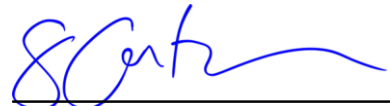
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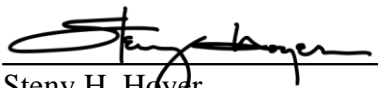
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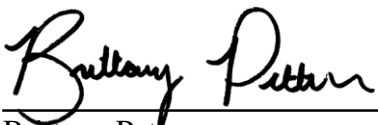
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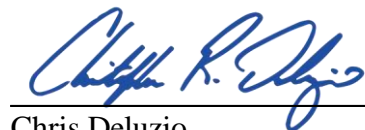
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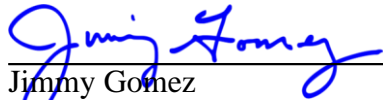
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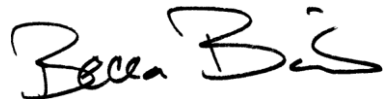
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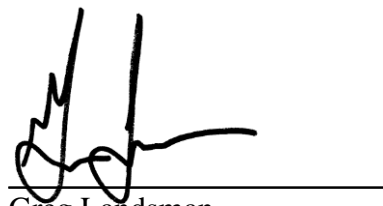
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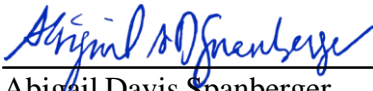
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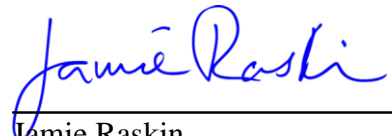
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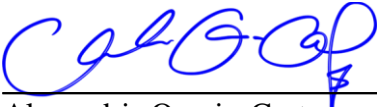
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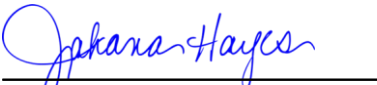
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Andrew R. Garbarino
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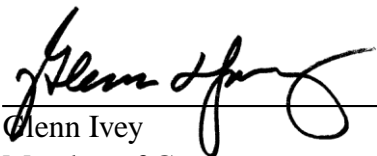
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